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Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Sierra Leone

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the United Nations High Commissioner for Human Rights on the human rights situation in Sierra Leone, pursuant to Commission on Human Rights resolution 2003/80, endorsed by the Economic and Social Council at its substantive session on 24 July 2003.

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Executive summary

The present report follows previous reports of the High Commissioner to the General Assembly (A/57/284) on 7 August 2002 and to the Commission on Human Rights (E/CN.4/2003/35) on 26 February 2003. It contains information on events through the beginning of August 2003.

Since the above-mentioned reports, the human rights situation in Sierra Leone has improved significantly. Government authority has been re-established nationwide, the judicial system and courts are gradually being restored, and magistrate courts and police formations have almost reached the pre-war levels of deployment. Progress in the implementation of the peace process has been complemented by efforts aimed at addressing war-related violations and abuses of human rights and international humanitarian law. The Truth and Reconciliation Commission, which continues to receive substantive support from the Office of the United Nations High Commissioner for Human Rights (OHCHR), is already in the final phase of its operational period. The Special Court has issued a series of indictments, demonstrating a determination to fulfil its mandate. These developments have contributed to a climate of increased respect for human rights including the right to life and security of the person. Nonetheless, structural deficiencies linked to the recent history of abuses and violations stymie the emergence of a society based on the rule of law. This is most evident in the judicial system and must be addressed urgently.

Ongoing preparations for the gradual exit of the United Nations Mission in Sierra Leone (UNAMSIL) indicate that the peace process has developed some momentum and Sierra Leone is on the path towards recovery. However, there remain security concerns relating to the capacity of the armed forces and police to provide security and protect the territorial integrity of the country. Instability in neighbouring Liberia is an internal security risk factor for Sierra Leone which should not be underestimated. Although some progress has been made in providing reintegration opportunities for ex-combatants, their long-term reintegration can only be achieved through the revival of the war-ravaged economy. There remains an acute problem of homelessness despite the formal declaration of completion of resettlement. Preparations for the gradual drawdown of UNAMSIL should take these factors into consideration.

Pursuant to the memorandum of understanding with the Department of Peacekeeping Operations, OHCHR continued to provide substantive support to UNAMSIL in implementing its human rights mandate, which includes technical cooperation, capacity-building, monitoring and training, advocacy and sensitization. Additionally, OHCHR has designed and is collaborating with UNAMSIL in implementing technical cooperation activities to assist in the establishment of national systems for protection and promotion of human rights.

Human rights challenges in Sierra Leone include, inter alia, addressing impunity in relation to past abuses through the search for truth, justice and reconciliation, and preventing and addressing ongoing violations while building local capacities to protect and promote human rights, especially of vulnerable groups, such as children, refugees, women and migrants.

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I. Introduction

1. At its fifty-ninth session, the Commission on Human Rights adopted resolution 2003/80 of 25 April 2003 on the situation of human rights in Sierra Leone, in which it requested the High Commissioner, inter alia, to report to the General Assembly at its fifty-eighth session on the human rights situation in Sierra Leone, including with reference to the reports from the Human Rights Section of the United Nations Mission in Sierra Leone (UNAMSIL).

II. The human rights situation

A. Reports of the Secretary-General to the Security Council and of the United Nations High Commissioner for Human Rights to the General Assembly and the Commission on Human Rights

2. Since the United Nations High Commissioner for Human Rights submitted a report to the General Assembly at its fifty-seventh session (A/57/284), the Secretary-General has submitted the following reports to the Security Council: S/2002/987 of 5 September 2002; S/2002/1417 of 24 December 2002; S/2003/321 and Corr.1 of 17 March 2003; S/2003/663 of 23 June 2003.

3. The substantial progress in the restoration of peace and stability in Sierra Leone which was reported in reports to the General Assembly at its fifty-seventh session (A/57/284) and to the Commission on Human Rights at its fifty-ninth session (E/CN.4/2003/35) has been further consolidated. In recognition of progress on human rights and the peace process, the Commission on Human Rights, at its fifty-ninth session, transferred the consideration of the situation in Sierra Leone to item 19, advisory services and technical cooperation, from item 9, question of the violation of human rights and fundamental freedoms in any part of the world.

4. With the improved situation, UNAMSIL began plans for an organized gradual withdrawal from Sierra Leone. It developed a drawdown plan emphasizing progress in strengthening the capacity of the Sierra Leone police and armed forces as the key security benchmark that would guide the pace of the drawdown process in key areas. The other benchmarks consisted of priority tasks aimed at consolidating stability in Sierra Leone prior to the withdrawal of UNAMSIL. These include: completing the reintegration of ex-combatants; consolidating the authority of the State nationwide, including diamond-producing areas; and progress towards resolving the conflict in Liberia, which impacts on the situation in Sierra Leone. In order to build capacity, 128 United Nations civilian police officers have been deployed to assist in training the local police force. The International Military Advisory and Training Team has been assisting the army to enhance its reputation as an effective, disciplined and professional body. The reintegration of ex-combatants continued to be accorded priority attention as it is central to the consolidation of peace.

5. Two institutions aimed at addressing war-related abuses and violations of human rights and humanitarian law, the Truth and Reconciliation Commission and the Special Court, commenced operations and have made progress in the pursuit of their related mandates. The resumption of court sittings in all districts demonstrates that some progress, although limited, has been made in the rehabilitation of the judicial sector. Justices of the peace have been trained and deployed to over 20

locations nationwide in order to reduce the backlog of cases and pressure on the courts. Nonetheless, reports submitted by human rights officers based on visits to police stations and prisons indicated issues of major concern, such as: overcrowding, unhygienic detention conditions, prolonged detention of suspects in police stations beyond legally established limits, and loose separation of categories of prisoners in violation of established international standards.

B. Security of the person, summary and extrajudicial executions and amputations

6. Progress in the implementation of the peace process has contributed to a climate of increased respect for human rights, including the rights to life and security of the person. There have been fewer violations during the reporting period than in previous years. No cases of extrajudicial executions and/or amputations were reported during the period covered by the present report. Attacks against civilians by any of the former warring parties have ceased and security has continued to improve since the lifting of the state of emergency in January 2002. Nonetheless, the security situation along the border with Liberia remains a matter of concern and a source of internal security risks for Sierra Leone. There have been reports of incursions into Sierra Leone by Liberian non-State actors, including an attack on 10 January 2003 against the village of Mandavulahun in Kailahun District. In response to these threats, the Government has increased the presence of its security personnel along the border with Liberia and conducted screening operations in camps to distinguish combatants from civilians.

7. One case of death in suspicious unresolved circumstances took place at the Mape Internment Camp, which was set up to confine Liberian combatants who sought refuge in Sierra Leone. The internee reportedly died because of a delay by prison officials in seeking medical attention or transferring him to a hospital. This incident triggered a violent protest on 30 March 2003.

C. Children's rights

8. Child protection has been fully reflected in the various aspects of UNAMSIL operations, with special attention paid to children in regular monitoring by human rights officers of the police, prisons and courts. Induction briefing on child rights issues, especially exploitation and abuse of children, is now mandatory for incoming UNAMSIL civilian and military personnel including military observers and civilian police. In early 2003, the Human Rights Section, in close cooperation with the UNAMSIL Child Protection Adviser, started implementing a "Training of trainers programme in child protection" for contingents in all sectors.

9. Some progress has been made in the reintegration of child ex-combatants and separated children. Of the 7,134 children registered with child protection agencies 98 per cent have been reunited with their families. Child protection agencies have developed a community-based reintegration strategy and set up mechanisms to monitor the children's reintegration in their various communities. Mitigation projects are currently being developed to cater for those who were bypassed by disarmament and demobilization. Family tracing and reunification of separated

children continues in the east, largely facilitated by the effective use of video messages to reunite separated children with their families.

10. As peace-building activities continue, major challenges for child protection agencies have surfaced in the high numbers of street children in urban areas, the inadequacies of the juvenile justice system, and the exploitation of children as cheap labour, especially in the diamond mines, and particularly those located in eastern Sierra Leone. Ongoing efforts to address this concern include advocacy with policy makers to implement existing child labour standards, sensitization workshops for child miners, their parents, mining supervisors and their communities, and targeted initiatives to provide alternatives to child miners and their families, including schooling and skills training.

11. In February 2003, the Special Representative of the Secretary-General for Children and Armed Conflict, Mr. Olara Otunnu, undertook a one-week mission to Sierra Leone. The visit coincided with the formal inauguration of the National Commission for War Affected Children and the launch of the Voice of Children, a programme on Radio UNAMSIL devoted to children's issues. Mr. Otunnu noted significant changes in the country since his earlier visits but identified several challenges, including the need to enhance the education sector and to address the requirements of children and vulnerable groups, such as the handicapped, the war-wounded, and girls who are exposed to sexual abuse and child prostitution.

12. Special procedures were developed for the participation of children in the statement-taking and hearings phase of the Truth and Reconciliation Commission. These procedures ensured the anonymity of children volunteering information to, or testifying before, the Commission. The Prosecutor of the Special Court publicly stated that he would not prosecute anybody for crimes committed when s/he was below the age of 18. Special Court indictments have included the crime of recruitment and/or use of child soldiers below the age of 15.

13. Notwithstanding overall constraints in the implementation of juvenile justice standards, prison officials and magistrates in Kenema, Kono and Port Loko, usually complied with enlightened standards in their handling of juvenile cases. Additionally, some progress was made through the establishment in Kenema prison of a cell for juveniles, thus ensuring that an important condition for the separation of juvenile and adult detainees was met. In Kambia and Port Loko, magistrates agreed to end the practice of sentencing juveniles to corporal punishment, which contravened international human rights standards.

D. Gender-based violence and women's rights

14. In collaboration with OHCHR, the UNAMSIL Human Rights Section has continued to promote women's rights through its monitoring and capacity-building activities. Monitoring of the police stations, prisons and courts by UNAMSIL has been conducted with a special focus on cases involving women and girls. Gender and peacekeeping has been incorporated in the induction training for peacekeepers and civilian police. In April 2003, UNAMSIL acted as a facilitator in an exercise to field-test gender mainstreaming resources under development by the Peacekeeping Best Practices Unit of the Department of Peacekeeping Operations.

15. UNAMSIL has conducted training on gender issues for members of the police, the prison administration and civil society organizations. Additionally, the Human Rights Section conducted training for members of the Network for Women Parliamentarians on the Convention on the Elimination of All Forms of Discrimination against Women and trained 30 members of the task force on the Convention. The task force was established under the auspices of the Ministry of Social Welfare, Gender and Children's Affairs to enlighten the public on the Convention, to facilitate the implementation of the Convention and its reporting process and to ensure its incorporation in domestic legislation. It includes parliamentarians, civil servants, members of civil society and the Sierra Leone police.

16. UNAMSIL has also been assisting the Sierra Leone police in building its capacity to deal with issues relating to women and children. In this regard, it conducted a series of training sessions for members of the Family Support Unit of the police. The Unit consists of specialized sub-units within the police structure in the various districts whose purpose is to deal with offences against women, children and vulnerable groups. The first phase of the training was concluded in May 2003. Although the Unit has now been established in all districts, serious logistical constraints, including in the area of transport, hinder its effectiveness.

17. Despite some progress in addressing gender violence, some impediments remain, and they are linked to existing cultural practices and structural defects. This is especially evident in the limited possibilities, owing to high consultation fees, for obtaining medical evidence, which is required in order to prosecute gender-based crimes. Other impediments to the prosecution of such crimes include the absence of legal counsel, lack of relevant training of members of the judiciary and the overall lack of access to the judicial process due to the dysfunctional court system. These problems are particularly acute in the provinces, where charges are often withdrawn and cases settled out of court or forgotten. Some victims often refrained from reporting gender-based violations out of fear of stigmatization. In response to these problems, the first centre offering shelter and psychological and legal support to victims of sexual violence was opened in Freetown in March 2003.

18. In response to the lack of public awareness of gender-based violations, UNAMSIL conducted a number of radio programmes to increase awareness of women's rights. In late 2002, UNAMSIL played an active role in organizing a 16-day campaign of activism against gender-based violence in both Freetown and the provinces. The campaign aimed to alert the public about gender-based violence as a human rights issue. UNAMSIL was also involved in activities at both the national and the district levels to celebrate International Women's Day on 8 March 2003. On that day, six women's organizations held a public hearing on violence against women, during which women gave personal testimonies on how they had suffered violence in the home and at work.

19. An issue not reported on hitherto is the question of trafficking of women and girls. Efforts by UNAMSIL have ensured that the authorities pay more attention to this subject. In April 2003, the Sierra Leone Police organized a half-day seminar on the fight against commercial sexual exploitation and sex trafficking. The workshop acknowledged that commercial sexual exploitation and trafficking existed in Sierra Leone, although there are no statistics available. Participants at the seminar resolved

that there was a need to highlight this issue publicly and to enact new laws that would recognize trafficking as a crime.

20. In view of the widespread nature of war-related gender violations, the UNAMSIL Human Rights Section has assisted the Truth and Reconciliation Commission and the Special Court in developing strategies to address the problem in their operations. In May 2003, women's groups participated in three days of hearings on the effects of armed conflict on women and girls, which was held in Freetown by the Commission. During the hearings, the commissioners were encouraged by all to play an active role in advocating reform of customary and common laws, which, according to the submissions made, institutionalized gender-based violence and discrimination against women. Similarly, a women's task force comprised of UNAMSIL and local women's rights non-governmental organizations worked with the Registrar of the Special Court on measures aimed at promoting women's issues in the operations of the Court. These measures include gender training for judges and the media covering the Special Court, protection of judges from the influence of gender-insensitive pressure groups, and a witness protection programme, which would include trauma and psychosocial counselling.

E. Refugees, internees and internally displaced persons

21. Since the repatriation operations began in September 2000, a total of 233,000 Sierra Leonean refugees have returned to Sierra Leone. Of these, 141,000 were assisted under the organized repatriation programme implemented by the Office of the United Nations High Commissioner for Refugees (UNHCR). Of the total number of returnees, 63,000 were from Liberia and 170,000 were from Guinea. An estimated 47,000 refugees of Sierra Leonean origin remain in Guinea, of whom 25,000 are assisted by UNHCR in camps. Another 40,000 are in Liberia, of whom 16,000 are in camps.

22. Despite the progress in the repatriation of refugees, security of returnees remains a major cause for concern, especially in Kailahun district, a major area of return on the border with Lofa County in Liberia. This area has been affected by the conflict in Liberia. During 2002 and in the beginning of 2003, there were incursions by Liberian fighters, who abducted Sierra Leonean civilians and used them for forced labour and as combatants.

23. A major constraint on the reintegration and recovery efforts is a lack of adequate access to basic services, including shelter, water, sanitation, education and health care. This is especially acute in the main areas of return, especially in Kailahun and Kono districts, which experienced extensive war-related destruction. Lack of basic amenities in areas of return appeared to have impeded the voluntary return of refugees and displaced persons.

24. The conflict in Liberia has led to increased demographic movements on its border with Sierra Leone, including those of deserting combatants. In order to ensure security, the Sierra Leone Police have carried out security screening operations along the border and in UNHCR refugee camps in order to identify combatants and to separate them from the civilian refugee population. In October 2002, following recommendations to the National Security Council, the Government established the Mape Internment Camp to accommodate Liberian combatants entering Sierra Leone. The camp, which is managed by the Prisons Department,

accommodates 301 former combatants from the Armed Forces of Liberia (AFL) and 9 fighters from Liberians United for Reconciliation and Democracy (LURD).

25. Resettlement of 221,745 internally displaced persons, which started in April 2001, was completed in December 2002. The National Commission for Social Action has formally ended the resettlement programme. Nonetheless, a serious problem of homelessness has emerged. In Freetown, for example, large numbers of internally displaced persons remained in camps. In response, the Government designated as "settlement areas" the camps of Grafton and Waterloo in the western area, which had formerly served as camps for internally displaced persons, and relocated some 1,500 people there. There are also a number of communities of internally displaced persons, such as "Clay Factory" in Freetown, with about 7,500 inhabitants; although never formally recognized as such by the Government, they contain a substantial population of internally displaced persons. Additionally, some 1,500 people, including amputees and war-wounded, continue to reside in the National Workshop Camp in Freetown, which is no longer considered a camp for internally displaced persons. While the resettlement programme may be formally concluded, the search for viable alternatives for internally displaced persons appears to be an ongoing challenge.

F. Charges against Revolutionary United Front members and the West Side Boys

26. There has been no progress in the prosecution of some 90 members of the Revolutionary United Front (RUF) and West Side Boys charged, inter alia, with murder, conspiracy to murder and shooting with intent to kill. The accused persons were arrested in May 2000, but their cases were first committed to the High Court two years later, in May 2002. One of the accused, former RUF leader Foday Sankoh, was transferred to the custody of the Special Court following his indictment on 7 March 2003 but died of natural causes on 29 July 2003. To date, the other accused persons have not been granted family visits and have not been provided with legal representation. The delay in prosecuting the accused persons is in contradiction with international standards concerning fair trial.

G. Treason trial

27. The case of 15 men, a juvenile presumed to be 15 years old and a woman accused of treason and misprision of treason for their alleged roles in the attack on an army depot in Wellington on 13 January 2003, was first heard before the Magistrate court and then committed to the High Court in Freetown on 31 March 2003. Former Armed Forces Revolutionary Council (AFRC) leader Johnny Paul Koroma, who was allegedly implicated in this matter, went into hiding after police attempted to arrest him on 18 January 2003. The 17 accused persons are represented by five local lawyers, most of whom accepted the brief on a pro bono basis.

III. Human rights activities of the United Nations in Sierra Leone

A. UNAMSIL and the Human Rights Section

28. Pursuant to its mandate, the UNAMSIL Human Rights Section continued to monitor and report on the human rights situation in Sierra Leone. It has established an effective and regular system for monitoring police stations, prisons, the judiciary and national institutions. The Human Rights Section has continued to document information on war-related violations in its continuing effort to assist the process of addressing violations and abuses of human rights and humanitarian law during the conflict. In March 2003, it completed a preliminary amputee report. The report is based on interviews conducted with 239 amputees and war wounded at Freetown's Aberdeen Amputee Camp and in the districts of Bo, Bombali, Koinadugu, Tonkolili, Kenema, Kono and Port Loko. The report details three clusters of amputations delimited by times of occurrence: (a) the 1996 elections, (b) the 1998 "Operation No Living Thing" and (c) the January 1999 Freetown invasion. It also explores the motives for the amputations and attempts to identify the victims and the principal alleged perpetrators of these atrocities. In the context of transitional justice, the report looks at the consequences of these atrocities for the victims and for the process of peace and national reconciliation in Sierra Leone.

29. The Section provided logistical support to a team of forensic experts commissioned and deployed by OHCHR pursuant to Commission on Human Rights resolution 2002/20 of 22 April 2002. The team, drawn from the Argentine Forensic Anthropology Team (EAAF), conducted a preliminary assessment of mass graves in Sierra Leone and issued a preliminary report in September 2002. The report covered sites in Tongo Fields, Mendekelema, Kailahun 1 and 2, Kenema 1 and 2 and the villages of Taindicome, Nonkova, Koinadugu, Karina and Mayongo, and provided expert analysis of site locations, their characteristics and the number of victims using the global positioning system (GPS). The report, which has been provided to the Truth and Reconciliation Commission and the Special Court, also makes recommendations for the safeguarding and further analysis of those sites.

30. The Human Rights Section carried out training and capacity-building activities for members of the judiciary, law enforcement officials, local human rights non-governmental organizations and civil society organizations. In January 2003, it participated in the training of justices of the peace, who were deployed in February to reinforce the judicial system. It also supported preparatory and public information activities relating to the Special Court and, in collaboration with OHCHR, the Truth and Reconciliation Commission. The Section has strengthened its cooperation with other units in UNAMSIL, especially civilian police, military observers, the Child Protection Unit and the Civil Affairs Section. It also plays an active role in the integrated reporting activities and meetings as well as sensitization on HIV/AIDS.

31. With support from OHCHR, the Human Rights Section participated in the United Nations Development Assistance Framework for 2004-2007 and has continued to provide substantial inputs on issues related to human rights and the rule of law to the National Recovery Strategy for Sierra Leone through the Office of the Deputy Special Representative of the Secretary-General for Governance and Stabilization.

B. Activities in the districts

32. As courts, prisons and police gradually resumed their activities in the provinces the UNAMSIL regional human rights offices focused their monitoring activities on such operations. In Port Loko, Kambia, Bombali, Kono and Kenema, human rights officers carried out training and capacity-building activities and facilitated the establishment of coalitions of non-governmental organizations and human rights committees to undertake joint activities in monitoring, reporting and sensitization. The Human Rights Section also established human rights reference libraries in the Kambia, Port Loko, Kenema districts and in Lunsar for use by students, local human rights groups and other members of civil society. Arrangements are under way to establish similar reference libraries in all 12 districts, including the western area.

C. Monitoring of the courts, police stations and prisons

33. Magistrate courts have now been restored in all 12 districts, with only four magistrates operating on a rotational basis. To supplement the limited number of trained magistrates, 86 justices of the peace and their clerks were trained in January 2003 and subsequently deployed throughout the provinces and the western area. Under Sierra Leone law, two justices of the peace have the comparable judicial powers of a magistrate. The deployment of justices of the peace throughout the country is an important step in improving access to the judicial system. However, logistical constraints, such as lack of accommodation, appeared to have constrained the effective functioning of the newly appointed justices of the peace.

34. Despite progress in the restoration of courts, the numbers of prolonged remand cases remained high. This is mainly due to lack of legal representation and frequent adjournments because of the non-appearance of parties in court. There are several pending cases in the Northern Province owing to the absence of a high court there. Some noticeable deficiencies are evident in the handling of cases involving juveniles and women. In some known cases, especially those of female convicts sentenced for inability to pay debts, the sentences and the manner in which they were carried out appeared contrary to international standards, as women were compelled to serve time with their babies. Apart from Freetown, which has a juvenile court, a remand home and an approved school, courts in the provinces have no specific arrangements for juveniles. As a result, children appear in open court without the minimum guarantees of applicable international standards. To address these issues, the UNAMSIL Human Rights Section and the Child Protection Unit developed a methodology for monitoring the situation of juveniles within the judicial system with a view to devising a comprehensive strategic response.

35. The conditions of detention and the performance of law enforcement officials have improved mainly because of regular monitoring and training by UNAMSIL. Mattresses were provided for detainees at the Port Loko Prison in February 2003. To alleviate overcrowding, the Koidu Prison was expanded through the construction and commissioning of a new wing. Nonetheless, the conditions of detention in police cells and prisons frequently fell short of basic human rights standards. The most recurrent problems included loose separation between men and women, unhealthy conditions, insufficient medical attention and overcrowding.

36. Partly because of the monitoring by the UNAMSIL Human Rights Section, the authorities have responded to allegations of violations by officials. In April 2003, prison authorities agreed to investigate the death of an inmate at Magburaka prison, in Tonkolili District, who allegedly had died from injuries sustained as a result of beatings by penitentiary officials. In May 2003, the Sierra Leone Police opened an investigation into the alleged rape of an eight-year-old girl by a member of the armed forces.

D. Training

37. Training programmes implemented by the UNAMSIL Human Rights Section have focused on training of trainers in human rights and international humanitarian law for United Nations peacekeepers, members of the Sierra Leone Police, military and prison officers, court officials, secondary school teachers and members of civil society groups, including women organizations and journalists. Participants in the programmes were selected on the understanding that they would subsequently provide in-house training capacity for their various institutions, thus ensuring sustainability. More than 500 persons attended the various training of trainers courses. To date, about 30 per cent of the Sierra Leone Police has participated in various UNAMSIL training programmes. Additionally, over 600 peacekeepers have benefited from a similar training programme with emphasis on international standards applicable to United Nations peacekeeping operations.

E. Capacity-building, technical cooperation and advocacy

38. During the reporting period, OHCHR designed and, in collaboration with UNAMSIL, implemented a number of technical cooperation projects aimed, among other things, at improving access to justice and encouraging the development of a culture of respect for the rule of law. With OHCHR support, assistance was provided to the Lawyers' Centre for Legal Assistance to establish the first free legal services in Sierra Leone. As a facilitator of the programme, the UNAMSIL Human Rights Section assisted the Centre in identifying cases and also monitored its performance. Despite the work of the Centre, vast numbers of detainees remained without legal assistance, especially in the provinces.

39. Under the Assisting Communities Together Programme, OHCHR supported six grass-roots human rights organizations in addressing the main emerging human rights issues in post-conflict Sierra Leone. The organizations and programmes supported were:

(a) Human Rights Committee for the East and South: information sessions and training workshops on women's rights for rural women in local languages;

(b) Youth Movement for Non-violence and Peace: production of information materials on general human rights and peace;

(c) Peace and Conflict Studies, University of Sierra Leone, Special Court Working Group: organization of information sessions and development of educational modules on human rights for use in schools;

(d) Female Genital Mutilation: research and dissemination of information on female genital mutilation;

(e) United for the Protection of Human Rights: art competitions and performances on women's and children's rights;

(f) Women's Forum: production and dissemination of information as well as sensitization on women's rights.

OHCHR-assisted projects under the Assisting Communities Together Programme have provided non-governmental organizations, which often operated in isolation and/or competition, with opportunities for exposure and collaboration.

40. Through the United Nations Voluntary Fund for Victims of Torture, OHCHR funded activities to provide trauma healing, counselling and skills training for 30 victims of torture from the Bombali district over a period of 18 months. The activities were implemented by local NGOs, namely Grassroots Empowerment for Self Reliance, the Center for Democracy and Human Rights and the Forum for African Women Educationalists. So far, activities related to this programme have led to the establishment of a care centre for victims of torture, the organization of counselling sessions for the 30 beneficiaries, the enrolment of beneficiaries in vocational and educational institutions. Under the same project, a documentation centre has been opened with the aim of collecting testimonies from victims of torture and other human rights abuses.

F. National human rights commission and the Ombudsman

41. With the expected conclusion of the Truth and Reconciliation Commission in 2003, efforts are under way to recommence preparations for the establishment of a national human rights commission, which has been delayed in order to allow sufficient time for the establishment of transitional justice mechanisms to deal with the immediate post-conflict challenges of Sierra Leone. The national human rights commission will provide important follow-up to the recommendations of the Truth and Reconciliation Commission, as highlighted by the President of Sierra Leone during the inauguration of the public hearings of the Truth and Reconciliation Commission in July 2003.

42. In September 2002, the Office of the Ombudsman, in conjunction with the Commonwealth Secretariat and African Ombudsman Association, organized a three-day national workshop entitled "Developing the role of the Office of the Ombudsman of Sierra Leone". The main objectives of the workshop were to discuss appropriate strategies for the Ombudsman in Sierra Leone, to examine the challenges to ensuring good governance, and to contribute to a better understanding of the concept of the ombudsman in public administration and among other stakeholders.

IV. Transitional justice

A. The Truth and Reconciliation Commission

43. OHCHR has been particularly involved in the establishment, functioning and financing of the Truth and Reconciliation Commission. During the year, the Commission made progress in accomplishing its tasks. Following its inauguration in July 2002, the Commission started its statutory three-month preparatory period,

during which it was required to take all measures necessary for its effective operation. According to section 5(3) of the Truth and Reconciliation Commission Act (2000), the measures include, inter alia, recruiting of staff, identifying premises, preparing a budget, prioritizing its work, undertaking preliminary background research and collecting supporting materials for its investigations. As required, the Commission adopted a budget and reached decisions on several operational and methodological issues. Upon the conclusion of the preparatory period in October 2002, OHCHR conducted an assessment of the operations of the Commission, which indicated a number of serious shortcomings inhibiting its smooth operation. In response, OHCHR, in collaboration with its partners, took a number of interim measures to strengthen the secretariat support of the Commission. These included changing the interim Executive Secretary and deploying in November 2002 international experts to provide administrative and operational support. During this period, a caretaker committee was appointed to provide policy guidance and ensure that the Commission implemented its activities. The caretaker committee ceased its operations with the appointment of an Executive Secretary in February 2003.

44. Following the remedial measures, the Truth and Reconciliation Commission recommenced its public activities in November 2002 and moved into its permanent site in the Brookfields area on 17 February 2003. In December 2002, the Commission commenced its deployment phase. The deployment phase, which lasted until March 2003, was symbolically launched in Bomaru, Kailahun district, where the conflict had started in 1991. It involved the countrywide deployment of some 70 statement takers and 3 regional coordinators to collect information on abuses and violations of human rights and humanitarian law relating to the conflict. Statement takers were also deployed to Ghana, the Gambia, Guinea and Nigeria to collect information relevant to the mandate of the Commission from Sierra Leone refugees. Prior to their deployment, the statement takers were trained in a variety of subjects, including knowledge and understanding of the Commission, its mandate and functions, issues of confidentiality and self-incrimination, and how to deal with children, women, sexual abuse, gender-based violations, combatants, perpetrators and psychosocial skills. This training was updated regularly in response to issues experienced by the Commission personnel in implementing their roles. With the conclusion of the statement-taking process on 31 March 2003, one small statement-taking team has remained to collect additional information and statements from witnesses as needed. To date, the Commission has collected over 7,500 statements from all target groups, including women, children and ex-combatants, in addition to some 1,300 testimonies collected earlier by a preliminary "mapping project" conducted by a consultant recruited by OHCHR. The Commission continues to receive statements from individuals, a good number of whom are yet to be registered as citizens of Sierra Leone, and other interested parties are encouraged to volunteer statements as a result of the publicity generated by the hearings phase and also because feared reprisals for cooperation with the Commission have failed to materialize.

45. With the conclusion of the deployment phase, the Truth and Reconciliation Commission conducted its hearings phase from 14 April until 6 August 2003. The hearings involved victims, witnesses and perpetrators, all of whom came forward in large numbers to testify before the Commission.

46. Four types of hearings were held: individual, thematic, event-specific and institutional. The individual witness hearings reproduce and make public some of

the most significant statements collected, using pre-defined selection criteria. The thematic hearings were designed to produce a social analysis that describes and explains the past in relation to a number of identified themes, such as:

(a) Good governance, including participation in political processes and respect for human rights;

(b) The role of civil society;

(c) The role of migrant communities;

(d) Management of mineral resources and issues of corruption;

(e) Women and girls.

Through the event-specific hearings, the Commission intends to establish the impact of specific events, such as coups and military offensives and the roles of specific actors and/or institutions on the development of the human rights crises in Sierra Leone.

47. While testimonies during public hearings were filmed, witnesses in closed hearings were, subject to their prior consent, filmed from behind to mask their identity. A counsellor assisted every witness before, during and after the hearing. Volunteers from the Sierra Leone Red Cross and a nurse attached to the government hospital also assisted the hearings. The Sierra Leone Police usually provided security. Efforts were made to ensure that the selected cases were representative of the various crimes committed in the districts at different times and by perpetrators belonging to different groups.

48. The individual witness hearings have already provided the Truth and Reconciliation Commission and the public with a broad range of important testimonies. The public hearings were initiated with a statement from an amputee, which was significant given the amputee associations' earlier reluctance to cooperate with the Commission. Numerous other amputee victims have given testimony, both in Freetown and in the provinces.

49. Pursuant to its mandate, the Truth and Reconciliation Commission devoted particular attention to the experiences of women and children during the war. Special closed sessions were conducted in which victims of sexual violence and children testified. Nonetheless, many women provided explicit testimony of sexual violence during the public hearings. The Minister for Social Welfare, Gender and Children's Affairs provided testimony and opened the thematic hearings on women and girls. Thanks to the support of key women's organizations, these hearings saw a large number of important witnesses and considerable interest from the general public.

50. The overwhelming majority of testimonies during hearings came from victims. Some perpetrators also came forward. However, there were few face-to-face reconciliation encounters between victims and perpetrators. Hearings were conducted nationwide in all the districts, including the western area. Attendance at all the hearings, particularly in the regions, was high, reflecting the level of interest of the population in the processes of the Commission. By the end of July 2003, 90 hearings had been held, both in Freetown and in all of the 12 districts. On 5 August, the President appeared before the Commission and gave an account of the history of Sierra Leone and the evolution of the conflict. He was preceded by the leader of the

opposition All Peoples' Congress, Mr. Ernest Koroma, who pleaded for national reconciliation and apologized for any harm that may have been done by the All Peoples' Congress. On 6 August, the Commission organized some public reconciliation events to mark the conclusion of its public hearings.

51. With the conclusion of its hearings phase, the Truth and Reconciliation Commission has commenced its report-writing phase, which is scheduled to end in October 2003 with the submission of a final report. To complement its reporting, the Commission has commenced detailed investigations and research on the various issues that will feed into its final report. Teams of investigators and researchers have been allocated themes with a lead researcher and/or investigator in charge of each theme. The major research themes include:

(a) The history of the conflict;

(b) The nature of the conflict, including violations;

(c) The role of external parties, including countries, military structures, international role players, international institutions and structures;

(d) History of the country and the region;

(e) Mineral resources, their use and impact on the conflict and the country;

(f) Institutions of government, rule of law, governance, human rights, democracy and issues of corruption;

(g) Women and children;

(h) The role of the Truth and Reconciliation Commission and the Special Court;

(i) Vision for Sierra Leone (recommendations, reparation and reconciliation).

52. Although the Truth and Reconciliation Commission is scheduled to conclude its operations in October, the current stage of its operations suggests that there might be a need to resort to the statutory provision for an extension of the temporal mandate in order to allow the Commission more time to conclude its work. In mid-September, OHCHR will have fielded a working-level mission to the Commission. One of the goals will be to prepare a financial and narrative report of the operations of the Commission since it was inaugurated in July 2002.

53. In March 2003, during a mid-term review in Sierra Leone of the operations of the Truth and Reconciliation Commission, OHCHR, in collaboration with the Commission, revised its operational requirements from the previous $6.6 million to $4.6 million. Pledges have been received amounting to 85 per cent of the total requirements of the Commission. However, the phased and sometimes slow receipt of pledged funding has oftentimes led to cash-flow difficulties, forcing OHCHR to temporarily transfer funds from other activities to ensure the smooth operations of the Commission.

B. Special Court

54. On 2 December 2002, the Attorney-General and Minister of Justice and the Acting Special Representative of the Secretary-General inaugurated the judges of

the Special Court, in a ceremony attended by several dignitaries, including the President of Sierra Leone. Judge Geoffrey Robertson and Judge Rosolu John Bankole Thompson were elected President of the Court and President of the Trial Chamber respectively. In the first week of March, the Court's judges met in plenary session in London. On that occasion, the judges reviewed and amended the Court's rules of procedure and evidence and elected Judge Gelaga King as Vice-President. On 7 March 2003, the presiding judge of the Trial Chamber confirmed the indictments of RUF and AFRC leaders, Foday Saybana Sankoh,[1] Johnny Paul Koroma, Sam Bockarie, Issa Hassan Sesay, Alex Tamba Brima, Morris Kallon and Civil Defence Force chief Sam Hinga Norman, who at the time was Minister of Internal Affairs, and issued orders of arrest, transfer and temporary detention for the seven accused. Five of the seven orders of arrest, transfer and temporary detention were executed on 10 March 2003.[2] Those arrested were detained at the Court's temporary detention facility in Bonthe. On 18 March 2003, the Court ordered the transfer into the custody of the Special Court of the suspect Augustine Gbao, a former RUF security chief.

55. Following their arraignment, the accused persons were remanded in custody until further orders of the Special Court. Until their transfer on 10 August 2003 to the Special Court's detention facilities in Freetown, the accused persons were held at Bonthe prison.

56. On 4 June 2003, the Court revealed a previously sealed indictment against President Charles Taylor of Liberia. Taylor, who was attending a peace conference in Accra at the time, was not arrested in Ghana and returned to Monrovia the same day. So far, the Court has indicted 12 persons.

V. Conclusions and recommendations

57. **Since the last report of the High Commissioner, substantial progress has been made in the field of human rights and fundamental freedoms in Sierra Leone. Progress in the overall peace process has also led to arrangements for the gradual withdrawal of UNAMSIL, which is currently scheduled for December 2004, subject to the achievement of specified benchmarks. These include the ability of the national security agencies to provide security in the country and protect its territorial integrity. Discussions are currently ongoing on the nature of the post-UNAMSIL residual United Nations presence in Sierra Leone. These will feed into the proposals which the Secretary-General will submit to the Security Council in early 2004, as requested by its resolution 1492 (2003) of 18 July 2003. It is important that the proposed presence retain a core human rights component capable of monitoring the human rights situation, providing technical cooperation, assisting the building of national capacity in the area of human rights and helping to coordinate advocacy.**

58. **Progress by the Truth and Reconciliation Commission and Special Court in implementing their mandates has facilitated the process of addressing past abuses and violations. The successful implementation of the roles of the Commission and Court will help to promote a strong and resilient foundation for the establishment of a post-conflict society based on the rule of law and respect for human rights. OHCHR will continue its support to the Commission to ensure that it completes its task, thus encouraging restoration and**

reconciliation in Sierra Leone. The international community and Government should support the Commission to consolidate the gains it has made so far, by ensuring that appropriate structures are in place to assist the implementation of its recommendations. These are due in 2003. OHCHR remains committed to assisting relevant follow-up initiatives aimed at consolidating the achievements of the Commission.

Notes

[1] He later died of natural causes on 29 July 2003.

[2] Two of the indicted persons, Sam Bockarie and Johnny Paul Koroma, were subsequently reported killed in Liberia. Sam Bockarie's remains were handed over to the Court for identification and forensic exam on 1 June 2003.